

AMENDED IN ASSEMBLY JUNE 30, 2004

AMENDED IN SENATE MAY 20, 2004

AMENDED IN SENATE APRIL 28, 2004

AMENDED IN SENATE APRIL 14, 2004

**SENATE BILL**

**No. 1138**

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**Introduced by Senator Hollingsworth**

January 20, 2004

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An act to amend Sections ~~37700~~, 37701, 37702, 37703, 37704, 37706, and 37707 of, *to amend, repeal, and add Section 37700 of*, and to add Sections 37700.10 and 37710 to, the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1138, as amended, Hollingsworth. School districts: four-day school week.

Existing law authorizes the Pacific Unified School District, the Leggett Valley Unified School District, and the Reeds Creek Elementary School District, to operate one or more schools in their districts on a 4-day school week, so long as the school district complies with specified requirements, including, instructional time requirements. Existing law requires the Superintendent of Public Instruction to reduce the base revenue limit per unit of average daily attendance of a school district that operates one or more schools in its district on a 4-day school week and provides less than 180 days of instruction, as specified.

This bill would extend that authorization and those attending requirements to ~~all school districts with less than 500 average daily~~

~~attendance~~ the Borrego Springs Unified School District, the Julian Union Elementary School District, the Julian Union High School District, the Warner Unified School District, and until July 1, 2006, the Jamul-Dulzura Union Elementary School District. The bill would also authorize the Superintendent to authorize 3 school districts with less than 12,000 average daily attendance to operate one or more schools on a 4-day school week. The bill would require the Superintendent to monitor the Academic Performance Index scores of schools operating on a 4-day school week and notify the Assembly Committee on Education and the Senate Committee on Education if the 4-day school week appears to have a negative effect on those scores.

Existing law provides that a school district that operates one or more schools on a 4-day school week is entitled to the same support from the State School Fund that it would receive if it had operated pursuant to provisions relating to the 175-day school year.

This bill would condition that provision of support upon the requirement that a school district separately identify test scores and academic performance assessment information of schools operating on a 4-day school week.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 37700 of the Education Code is  
 2 amended to read:  
 3 37700. (a) Notwithstanding any other law, ~~a school district~~  
 4 ~~with less than 500 average daily attendance~~ the Pacific Unified  
 5 School District, the Leggett Valley Unified School District, the  
 6 Reeds Creek Elementary School District, the Borrego Springs  
 7 Unified School District, the Julian Union Elementary School  
 8 District, the Julian Union High School District, the Warner  
 9 Unified School District, and the Jamul-Dulzura Union  
 10 Elementary School District, may operate one or more schools on  
 11 a four-day school week, if the school district complies with the  
 12 instructional time requirements specified in Section 37701 and the  
 13 other requirements of this chapter.  
 14 (b) If a school district operates one or more schools on a  
 15 four-day school week pursuant to this section and the program  
 16 provides less than the minimum instructional minutes required



1 under Section 46201, the Superintendent of Public Instruction  
2 shall reduce the base revenue limit per unit of average daily  
3 attendance for that fiscal year in which the reduction occurs by the  
4 amount the school district would have received for the increase in  
5 the 1987–88 fiscal year base revenue limit per unit of average daily  
6 attendance pursuant to paragraph (6) of subdivision (b) of Section  
7 42238, as adjusted in the 1987–88 fiscal year and fiscal years  
8 thereafter.

9 (c) A school district with an exclusive bargaining  
10 representative may operate a school on a four-day school week  
11 pursuant to this section only if the school district and the  
12 representative of each bargaining unit of the school district  
13 employees mutually agree to that operation in a memorandum of  
14 understanding.

15 (d) *This section shall become inoperative on July 1, 2006, and,*  
16 *as of January 1, 2007, is repealed, unless a later enacted statute,*  
17 *that becomes operative on or before January 1, 2007, deletes or*  
18 *extends the dates on which it becomes inoperative and is repealed.*

19 SEC. 2. *Section 37700 is added to the Education Code, to*  
20 *read:*

21 37700. (a) *Notwithstanding any other law, the Pacific*  
22 *Unified School District, the Leggett Valley Unified School District,*  
23 *the Reeds Creek Elementary School District, the Borrego Springs*  
24 *Unified School District, the Julian Union Elementary School*  
25 *District, the Julian Union High School District, and the Warner*  
26 *Unified School District, may operate one or more schools on a*  
27 *four-day school week, if the school district complies with the*  
28 *instructional time requirements specified in Section 37701 and the*  
29 *other requirements of this chapter.*

30 (b) *If a school district operates one or more schools on a*  
31 *four-day school week pursuant to this section and the program*  
32 *provides less than the minimum instructional minutes required*  
33 *under Section 46201, the Superintendent shall reduce the base*  
34 *revenue limit per unit of average daily attendance for that fiscal*  
35 *year in which the reduction occurs by the amount the school*  
36 *district would have received for the increase in the 1987–88 fiscal*  
37 *year base revenue limit per unit of average daily attendance*  
38 *pursuant to paragraph (6) of subdivision (b) of Section 42238, as*  
39 *adjusted in the 1987–88 fiscal year and fiscal years thereafter.*



1 (c) A school district with an exclusive bargaining  
2 representative may operate a school on a four-day school week  
3 pursuant to this section only if the school district and the  
4 representative of each bargaining unit of the school district  
5 employees mutually agree to that operation in a memorandum of  
6 understanding.

7 (d) This section shall become operative on July 1, 2006.

8 SEC. 3. Section 37700.10 is added to the Education Code, to  
9 read:

10 37700.10. Notwithstanding subdivision (a) of Section 37700,  
11 the Superintendent of Public Instruction may authorize three  
12 school districts with less than 12,000 average daily attendance to  
13 operate one or more schools on a four-day school week, as  
14 provided by this chapter.

15 ~~SEC. 3.~~

16 SEC. 4. Section 37701 of the Education Code is amended to  
17 read:

18 37701. The school district shall provide on an annual basis,  
19 while operating a school on a four-day school week, not less than  
20 560 hours of instructional time for kindergarten, not less than 700  
21 hours of instructional time for grades 1, 2, and 3, and not less than  
22 845 hours of instructional time for grades 4 to 12, inclusive. The  
23 school district may exceed these minimum instructional times  
24 except that no pupil in a kindergarten shall be kept in school more  
25 than four hours in any day, exclusive of recesses. The school day  
26 may not exceed eight hours, nor may the school week be less than  
27 four days.

28 ~~SEC. 4.~~

29 SEC. 5. Section 37702 of the Education Code is amended to  
30 read:

31 37702. Prior to operating a school on a four-day school week,  
32 the school district shall secure the approval of the governing board  
33 of the district and of any collective bargaining agents representing  
34 employees of the school district.

35 ~~SEC. 5.~~

36 SEC. 6. Section 37703 of the Education Code is amended to  
37 read:

38 37703. A school site council in the school district shall be  
39 involved in the planning and evaluation of a four-day school week.

40 ~~SEC. 6.~~



1     *SEC. 7.* Section 37704 of the Education Code is amended to  
2 read:

3     37704. The school district shall consider the impact of the  
4 longer schoolday on primary grade pupils, and the impact of the  
5 four-day school week on working parents who may be required to  
6 find child care services for their schoolage children due to the  
7 shortened school week.

8     ~~SEC. 7.~~

9     *SEC. 8.* Section 37706 of the Education Code is amended to  
10 read:

11     37706. If a school district elects to operate a school on a  
12 four-day school week as authorized by this chapter, the school  
13 district shall be entitled to receive the same support, but not more  
14 support, from the State School Fund due to the average daily  
15 attendance at the schools within the school district that it would  
16 have received if the school district had been operating under the  
17 provisions of law relating to the 175-day school year, provided that  
18 test scores and academic performance assessment information  
19 concerning schools operating on a four-day school week shall be  
20 separately identified in reports of that data that are submitted to the  
21 department.

22     ~~SEC. 8.~~

23     *SEC. 9.* Section 37707 of the Education Code is amended to  
24 read:

25     37707. If the school district elects to operate a school on a  
26 four-day school week pursuant to this chapter, the reduced number  
27 of schooldays in the school district shall not affect the rights of  
28 certificated or classified employees of the school district with  
29 regard to classification, tenure, or notice, and shall not otherwise  
30 affect the contract rights of the employees.

31     ~~SEC. 9.~~

32     *SEC. 10.* Section 37710 is added to the Education Code, to  
33 read:

34     37710. The Superintendent of Public Instruction shall  
35 monitor the Academic Performance Index scores of schools that  
36 operate on a four-day school week as provided in this chapter, and  
37 shall notify the Assembly Committee on Education and the Senate



- 1 Committee on Education if the four-day school week appears to
- 2 have a negative effect on those scores.

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